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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SALDANA-NEILY,

No. C-04-4571 (MEJ)

Plaintiff,

vs.

TACO BELL, et al.,

Defendants.

**ORDER RE: AMCO INSURANCE  
COMPANY'S PRESENCE AT THE  
OCTOBER 26, 2005, SETTLEMENT  
CONFERENCE**

The Court is in receipt of Defendant Hedia Petroleum, Inc.'s letter dated October 12, 2005. Defendant requests the presence of its liability insurer, AMCO Insurance Company, at the settlement conference scheduled for October 26, 2005. AMCO's position is that it has no duty to defend or indemnify Defendant Hedia Petroleum in the instant action. Hence, AMCO's presence is not necessary to achieve a settlement.

ADR Local Rule 7-4 (c) provides that "unless excused by the settlement Judge, insurer representatives are required to attend in person if their agreement would be necessary to achieve a settlement." Here, AMCO's position is well taken and has not changed from the July 29, 2005, settlement conference. However, the Court is unwilling to entirely excuse the insurance carrier. Accordingly, the Court hereby ORDERS AMCO to be available by telephone during the October 26, 2005, settlement conference.

**IT IS SO ORDERED.**

Dated: October 19, 2005

  
MARIA-ELENA JAMES  
United States Magistrate Judge